

EXHIBIT 1

AFFIDAVIT OF ANDREW J. GONZALEZ

I, Andrew J. Gonzalez, hereby declare, under penalty of perjury in accordance with 28 U.S.C. § 1746, that the following facts are true and correct based upon my personal knowledge or from my review of records routinely maintained during the operation of the Lancaster County District Attorney's Office:

1. I am an Assistant District Attorney (ADA) and the Chief of Appeals and Legal Services for the Lancaster County District Attorney's Office (DA's Office).

2. I have been with the DA's Office since August 8, 2005, and worked as a trial ADA before being promoted to my current position in 2020.

3. In my current position as Chief of Appeals and Legal Services, I am responsible for overseeing all appellate matters and providing legal assistance to other ADA's as well as partner law enforcement agencies.

4. These duties include appellate litigation, providing training, aiding in investigations, and assisting the District Attorney in legal issues and/or questions.

5. The Pennsylvania State Police asked the DA's Office to provide information relating to Section 6106 of the Pennsylvania Crimes Code and its usage in Lancaster County following the appeal in *Suarez*.

Firearms concerns in Lancaster County (public interest)

6. In Lancaster County, the unlicensed transport of firearms is particularly concerning not only for officer safety during traffic stops, but also for the community as a whole.

7. As will be shown in the below statistics, the unlicensed carrying of firearms frequently encompasses other criminal activities that pose a risk to our community.

Section 6106 statistics

8. Arrests and prosecutions for Section 6106 alone are exceedingly rare.

9. In 2023, our office charged Section 6106(a)(1) or (2) only 173 times.

10. Most of the time Section 6106 is charged with DUI, simple drug possession, or Vehicle Code Offenses. In appropriate circumstances, some of these charges resolve in Accelerated Rehabilitative Disposition (ARD).

11. Other times Section 6106 is charged with more serious offenses such as Possession with Intent to Deliver Controlled Substances, Persons not to Possess Firearms, Receiving Stolen Property (Firearms), Aggravated Assault, and Discharging Firearms into Occupied Structures.


12. While not all cases involve serious charges in addition to the unlicensed carrying of a firearm, the vast number of cases involve additional criminal activity.

13. In 2023, Section 6106 was the sole charge in only 15 of the 173 cases filed. Frequently this is because the firearms are located during an investigation into other criminal activity.

Loss of Section 6106

14. The loss of Section 6106's vehicle provision could hamper law enforcement efforts to stem the flow of illegal drugs into Lancaster County as, on occasion, the presence of an unlicensed firearm has established probable cause to search the interior a vehicle.

15. Further, the loss of Section 6106's vehicle provision would endanger the public and law enforcement by allowing the transport of firearms by individuals who would be ineligible for a license to carry based on their prior convictions, mental health status, or the danger they pose to public safety.



Andrew J. Gonzalez
Chief of Appeals & Legal Services
Lancaster County District Attorney's Office

Executed on 8/7/24